

REMARKS

Claims 1-3, 5-15, 17-21, 23-26, 28-30, and 32-33 will be pending upon entry of the present amendment. Claims 21, 25, 26, and 30 are being amended. Claims 22, 27, and 31 are being cancelled. Claims 1-3, 5-8, 15, and 17-20 were allowed.

The applicants appreciate the indication that claims 22, 27, and 31 were directed to allowable subject matter. As a result, independent claims 21, 26, and 30 are being amended to include the subject matter of claims 22, 27, and 31, respectively. Note that claims 22 and 27 included obvious typographical errors in that claims 22 and 27 depended on following claims 25 and 28 rather than directly on claims 21 and 26. There was nothing in claims 22 and 27 that required dependency on claims 25 and 28, respectively, from a logical standpoint. Moreover, given the Examiner's indication of allowability of claim 31, which did not include any language similar to claims 25 and 28, there is nothing in claims 25 and 28 that is needed in claims 22 and 27 from a patentability standpoint. Accordingly, the applicants respectfully request that the Examiner enter the amendment of claims 21 and 26. As amended, claims 21, 23-24, 26, 28-30, and 32-33 are in condition for allowance.

Claims 9, 11, 21, 24, 26, and 29 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,448,651 to Kim.

Kim does not anticipate claims 9, 11, 21, 24, 26, and 29 because Kim is not prior art. Kim issued based on a U.S. patent application filed on September 15, 1999. The present application claims priority from European Patent Application No. 98830562 filed on September 25, 1998 ("the priority EP application"). A certified copy of the priority EP application was submitted in U.S. Patent Application No. 09/405,506, of which the present application is a division. In addition, enclosed is an accurate English translation of the priority EP application, thereby perfecting priority back to September 25, 1998, which is well before the U.S. filing date of Kim. Thus, claims 9, 11, 21, 24, 26, and 29 are not anticipated by Kim.

Claims 9, 10, and, 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,773,314 to Jiang et al. ("Jiang").¹

¹ Although the Examiner did not reject claim 25 based on Jiang, claim 25 was mentioned in Section 3 of the Office Action which deals with Jiang. If the Examiner intended to reject claim 25 based on Jiang, the applicants contend that claim 25 is allowable over Jiang for reasons similar to those recited herein with respect to claim 9.

Jiang does not disclose the invention recited in claims 9, 10, and 12. Claim 9 is directed to a method that includes forming a second conductive region that directly couples a third conductive plug to a fourth conductive plug. An example of this is the conductive layer 40 that connects the plug 37 to the plug 55 in Figure 8 of the present application. Instead of such a direct electrical connection with a conductive layer, Jiang connects a plug 46 to a plug 60 with a capacitor comprised of layers 48b, 52, 54, 56. Such a capacitor, which includes the non-conductive dielectric layer 52, cannot constitute a direct electrical connection between the plugs 46, 60. Although the applicants are aware that the Examiner is entitled to interpret the claim language in the broadest reasonable manner, it seems unreasonable to say that a capacitor with a non-conductive dielectric layer constitutes a second conductive region that directly couples a third conductive plug to a fourth conductive plug. Accordingly, claims 9, 10, and 12 are not anticipated by Jiang.

Claims 13-14 were rejected under 35 U.S.C. § 103 as being unpatentable over Jiang in view of U.S. Patent No. 5,891,699 to Tsui.

Jiang and Tsui do not teach or suggest the invention recited in claims 13-14. Claims 13-14 depend on claim 9, and thus, also include the step of forming a second conductive region that directly couples a third conductive plug to a fourth conductive plug. Like Jiang, Tsui does not teach or suggest such a second conductive region as the plugs of Tsui are directly coupled to each other. Moreover, the Examiner does not cite Tsui for such a teaching. Accordingly, claims 13-14 are not obvious in view of Jiang and Tsui.


Application No. 10/001,625
Reply to Office Action dated October 7, 2003

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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Enclosure:

Declaration of Elena Cerbaro
English Translation of Priority Document

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